THE HONOURABLE SRI JUSTICE N.V.RAMANA

Writ Petition No.2181 of 2006

Dated: 19-01-2007

Between:

G.Pochaiah.

…..PETITIONER

AND

The Osmania University,
Hyderabad rep. by its Registrar.
….RESPONDENT

THE HONOURABLE SRI JUSTICE N.V.RAMANA

W.P.No.2181 of 2006

ORDER:

The petitioner is questioning the action of the respondent university in proceeding with the Notification/Advertisement No.1/2003, dated
7-8-2003 issued for the post of Assistant Professors on the ground that the categorization is wrongly earmarked to S.C-B category and the same violates Article 14 of the Constitution of India.

The petitioner is a post-graduate and he belongs to Schedule Caste community. The petitioner states that the respondent issued notification vide Advertisement No.1/2003, dated 7-8-2003 notifying 9 posts of Assistant Professors in Osmania University. The respondent university notified the above posts earmarking community for which the posts are reserved as per the roaster and at the time of notification the Andhra Pradesh Scheduled Castes (Rationalization of Reservation) act 2000 was in force and as such while notifying one post was earmarked for SC-B category and though the notification was issued in the year 2003 no further steps were taken for conducting the selection. The petitioner came to know that the respondent university is proceeding to conduct the selection as per the said notification. Petitioner states that the constitutional validity of Andhra Pradesh Scheduled Castes (Rationalist ion of Reservations) Act 2000 came to be challenged before this Court and which upon upholding, the matter was carried to the Supreme Court and ultimately the apex Court declared the said enactment as unconstitutional. Therefore, the petitioner states that the respondent cannot follow the classification contained in the said enactment. It is the grievance of the petitioner

that the respondents are proceeding to conduct the selection for the post of Assistant Professor in Physics by following the earmarked reservation in favour of the SC-B category and such action of the respondent is illegal and arbitrary.

A counter affidavit is filed by the Registrar of the respondent University denying the writ affidavit averments and stating that the roaster was applied taking into consideration the A.P. Scheduled Castes (Rationalization of Reservation) Act, 2000 which was struck down by the Hon'ble Supreme Court and subsequently after striking down of the Act the government has issued orders based on which the addendum to the notification was accordingly issued. It is further stated that the petitioner had applied for the post of Assistant Professor in Physics under Schedule Caste category and though the petitioner possessed the Master Degree in the concerned subject, he has not cleared the eligibility test for lecturers conducted by the University Grants Commission/CSIR or similar test accredited by the University Grants Commission and the NET is a compulsory requirement for appointment of Assistant Professor. It is further stated that the petitioner was not issued hall-ticket for the proposed written examination on the sole ground that he is not eligible to apply for the post of Assistant Professor in Physics under SC category.

Heard the learned counsel for the petitioner as also the learned Standing Counsel for the respondent-University and perused the material available on record.

Admittedly, the petitioner has not passed the eligibility test for Lecturers conducted by the University Grants Commission/CSIR or similar test accredited by the University Grants Commission. Pass in NET is a compulsory requirement for appointment of Assistant Professor. The fact that the petitioner has not even qualified the eligibility test was not disputed by the learned counsel for the petitioner. In view of the fact that the petitioner has not even passed the eligibility test, which is a compulsory requirement for appointment to the post of Assistant Professor, he cannot question the notification/advertisement issued by the respondent in No.1/2003, dated 7-8-2003.

For the aforementioned reasons, the writ petition is devoid of merit and the same is accordingly dismissed. No costs.

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(N.V. RAMANA, J.)

Date:19-01-2007
GRK

THE HONOURABLE SRI JUSTICE N.V.RAMANA

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